

# Notice of Allowability

Application No.

10/687,323

Examiner

Shelley Self

Applicant(s)

WILDEY, ALLAN J.

Art Unit

3725

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 8/30/05.
2. ☒ The allowed claim(s) is/are 1-18.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☒ to Paper No./Mail Date 5/26/05.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date 8/30/05
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_



DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
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## **DETAILED ACTION**

### ***Response to Amendment***

The amendment filed on August 30, 2005 is sufficient to overcome the prior art reference.

### ***Drawings***

New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application in response to the Notice of Draftspersons Review, mailed in the previous Office Action (5, 26, 06).

### ***Information Disclosure Statement***

The Information Disclosure Statement filed August 30, 2005 has been considered.

### ***Allowable Subject Matter***

Claims 1-18 are allowed.

The following is an examiner's statement of reasons for allowance: As noted in the previous Office Action, the prior art of record does not disclose or fairly suggest a disc saw felling head having a but plate for supporting cut trees, an upper disc saw blade and lower reducing drum blade wherein the reducing width of the drum extends downward, and wherein the disc saw blade is significantly larger than the drum blade or step of accumulating trees on a but plate in combination with the rest of the claimed limitations as set forth in claims 2, 6, 7, 10 and 11.

Additionally, the prior art of record does not disclose or suggest a disc saw felling head/method comprising *radially arcuate drum body extending axially* as set forth in amended claims 1 and 9.

As noted in the previous Office Action, the prior art of record Kurelek (5,931,210) discloses a disc saw felling head for harvesting trees. Kurelek discloses a supporting frame (fig. 3), but plate (4), and circular disk saw (2). Kurelek however does not disclose any additional or lower blades or drum blades, i.e., Kurelek fails to disclose or fairly suggest a lower reducing drum blade having a radially arcuate drum body extending axially.

Itoh discloses a disc saw felling device for harvesting. Itoh discloses the use of multiple circular cutting disks (3, 4), coaxially displaced and coupled to a motor/engine (2) for rotating the discs (3, 4) to cut or shear vegetation. Itoh fails to disclose any but plate (i.e., structure which allows for accumulation of cut trees/vegetation during harvesting). Additionally, Itoh fails to disclose a drum blade having a radially arcuate drum body extending axially as set forth in claims 1 and 9. Because Kurelek is drawn to felling or harvesting trees and Itoh is drawn to trimming/harvesting small vegetation, the references are not analogous art and thus no obvious combination of the references can be made. The references lack any positive motivation for combination. As to the disc saw blade being larger than the drum blade, Applicant has clearly defined such dimensions to be necessary for ensuring efficiency of severing the tree (Disclosure, pg. 8, lines 23-24 to pg. 9).

Therefore, neither the prior art of record alone or in combination thereof discloses the claimed invention as set forth in claims 1, 2, 6 and 9-11. Accordingly, claims 1-18 are deemed allowable over the prior art of record.

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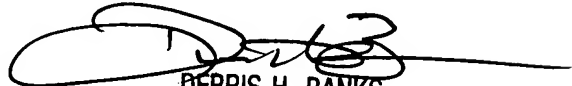
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shelley Self whose telephone number is (571) 272-4524. The examiner can normally be reached Mon-Fri from 8:30am to 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 273-8300 for regular and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on accessing the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SSelf   
September 19, 2005

  
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